

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes changes to FIGURE 1. This sheet, which includes FIGURE 1, replaces the original sheet including FIGURE 1. In FIGURE 1, reference numeral 8 has been changed to reference numeral 46. No new matter has been added by these amendments.

Attachment: Replacement Sheet (1 page)  
Annotated Sheet Showing Changes (1 page)

### **REMARKS**

The Examiner's communication dated September 21, 2004 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Specifically, claims 1-3 and 5-21 have been amended and detailed arguments in support of patentability are presented. In addition, new claims 22-23 have been added. Reexamination and/or reconsideration of the application as amended are respectfully requested.

#### **Summary of the Office Action**

Claims 12-17 were indicated as containing allowable subject matter.

Claims 6, 7 and 21 were rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-11 and 18-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mori et al. (U.S. Patent No. 6,007,259).

#### **Amendments to the Drawings**

In the drawings, Figure 1 has been amended. In particular, reference numeral 8 has been changed to reference numeral 46 so that the turning handle is properly identified. No new matter was added by these amendments.

#### **The Claims Distinguish Patentability Over the Reference(s) of Record**

Claim 1, as amended, calls for a fixing device that is actuated by rotation of a middle segment relative to a first segment which, upon rotation, fixes the adjusted length of both the second and third segments. The Examiner asserted that previous claim 1 was anticipated by Mori et al. Applicant respectfully asserts that claim 1, particularly as amended, distinguishes patentably over Mori et al.

Mori et al. requires each of three telescoping segments 4,5,6, which all extend from segment 3, to be individually adjusted lengthwise and fixed. With reference to FIGURES 1, 4 and 6, the lowest pipe 6 adjacent the second lowest pipe 5 has fixing member 9 for fixing the length that pipe 6 extends from pipe 5. In particular, fastening member 9 is screwed onto screw portion 5b of pipe 5. To actuate the fixing member 9, when pipe 6 is adjusted for length extending from pipe 5, fastening ring 9a is turned and pressed by a press ring 9b against pipe 6 so that pipe 6 is secured to pipe 5. This pattern repeats with respect to fixing the length that pipe 5 extends from pipe 4 (via

fixing member 8) and for fixing the length that pipe 4 extends from pipe 3 (via fixing member 7).

In other words Mori et al. requires three fastening members 7,8,9 to be operated to fix respective lengths of telescoping members 4,5,6. In contrast, claim 1 calls for a fixing device which fixes the desired length of both second and third segments upon rotational actuation of only the one fixing device. Accordingly, for at least this reason, it is submitted that claim 1 and claims 2-11 and 17-22 dependent therefrom are now in condition for allowance.

Claim 12, which was indicated as containing allowable subject matter, has been placed in independent form. Accordingly, it is submitted that claim 12 and claims 13-16 dependent therefrom are now in condition for allowance.

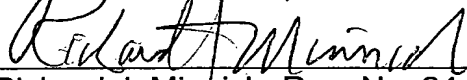
New independent claim 23 has been added. Claim 23 calls for a fixing device that is actuated by rotation of a middle segment which fixes the adjusted length of the middle segment and the third segment. As discussed herein, it is submitted that Mori et al. fails to disclose or fairly suggest such an arrangement. Accordingly, it is submitted that claim 23 is in condition for allowance.

### **CONCLUSION**

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP



Richard J. Minnich, Reg. No. 24,175  
Erik J. Overberger, Reg. No. 48,556  
1100 Superior Avenue  
7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

February 21, 2005  
Date

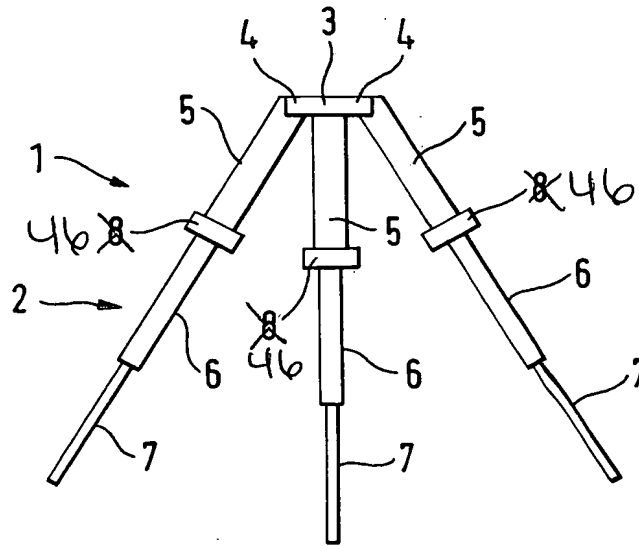


FIG.1

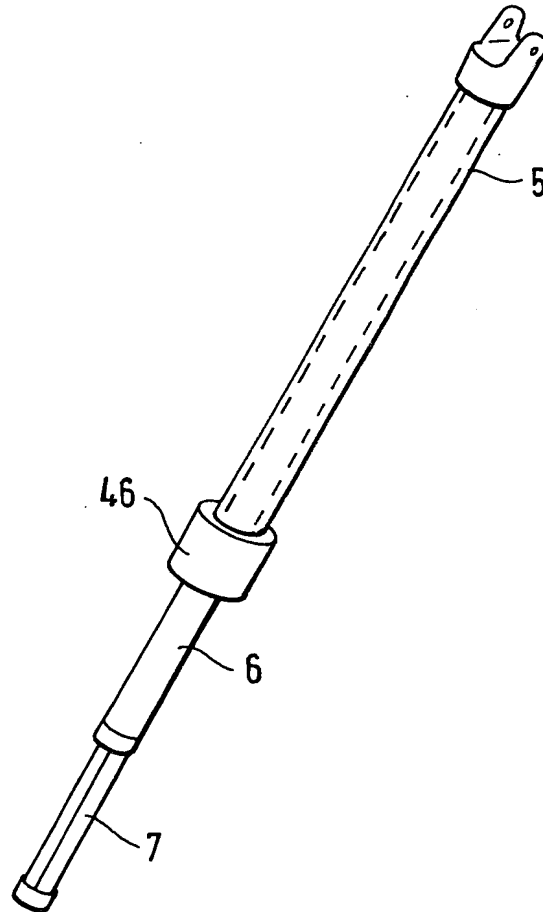


FIG.2